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15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **OAKLAND DIVISION**

18 IN RE: NATIONAL COLLEGIATE  
19 ATHLETIC ASSOCIATION ATHLETIC  
GRANT-IN-AID CAP ANTITRUST  
LITIGATION

**Case No. 4:14-md-2541-CW**

**PLAINTIFFS' ADMINISTRATIVE MOTION  
TO ADOPT RECOMMENDED FEE AWARD**

21 This Document Relates to:

Judge: Hon. Claudia Wilken

22 ALL ACTIONS EXCEPT  
23 *Jenkins v. Nat'l Collegiate Athletic Ass'n,*  
Case No. 14-cv-02758-CW

1           **I. INTRODUCTION**

2           Pursuant to Civil Local Rule 7-11, Plaintiffs hereby request that the Court adopt Magistrate  
 3 Judge Cousins' recommended disposition regarding Plaintiffs' Motion for Attorneys' Fees, Expenses,  
 4 and Service Awards, and Taxed Costs (ECF Nos. 1259, 1261).<sup>1</sup>

5           **II. STATEMENT OF FACTS**

6           On March 26, 2019, Plaintiffs filed a Bill of Costs (ECF No. 1168) ("Bill of Costs") and a  
 7 Motion for Attorneys' Fees, Expenses, and Service Awards (ECF No. 1169) ("Fees Motion"). On  
 8 March 27, 2019, this Court issued an Order Referring Motion, pursuant to Civil Local Rule 72-1,  
 9 referring Plaintiffs' Fees Motion to Magistrate Judge Nathanael Cousins (ECF No. 1170).

10          On May 2, 2019, the Clerk taxed Defendants nearly all of the amounts requested in Plaintiffs'  
 11 Bill of Costs (ECF No. 1190). On May 9, 2019, Plaintiffs filed a Motion for Review of Clerk's  
 12 Taxation of Costs (ECF No. 1193) and on May 10, 2019, Defendants filed an Administrative Motion  
 13 to Vacate Taxed Costs Order (ECF No. 1194). Shortly thereafter, this Court ordered that "all pending  
 14 and future matters related to Plaintiffs' request for attorneys' fees, costs, expenses, and service awards  
 15 . . . are referred to Magistrate Judge Nathanael Cousins." Order of Reference (ECF No. 1196).

16          Following extensive briefing and a hearing, on December 6, 2019, Magistrate Judge Cousins  
 17 issued a preliminary Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorneys'  
 18 Fees, Expenses, Service Awards, and Taxed Costs and Requesting Further Submission, which directed  
 19 the Parties to meet and confer to submit an accounting of a total fee award consistent with Judge  
 20 Cousins' rulings (ECF No. 1259). Thereafter, on December 20, 2019, the Parties filed a joint Proposed  
 21 Order (ECF No. 1260). Judge Cousins granted the joint Proposed Order on December 23 (ECF No.  
 22 1261) (collectively with ECF No. 1259, the "Fee Award Recommendation"). Defendants have not  
 23 filed any objection to the Fee Award Recommendation.

24           **III. ARGUMENT**

25          Plaintiffs request that this Court adopt the Fee Award Recommendation. *See* FED. R. CIV. P.  
 26 54(d)(2)(D); *id.* 72(b). Because Defendants did not file a timely objection to the Fee Award

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27          28          <sup>1</sup> In accordance with Civil Local Rule 7-11(a), Plaintiffs requested a stipulation from Defendants  
 regarding this Motion but Defendants declined to so stipulate. Kessler Decl. ¶ 3.

1 Recommendation, the Court need only “satisfy itself that there is no clear error on the face of the  
2 record in order to accept [it].” FED. R. CIV. P. 72(b), Advisory Committee Notes (1983) (citing  
3 *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)) (“When no timely objection is filed,  
4 the [district] court need only satisfy itself that there is no clear error on the face of the record in order  
5 to accept the recommendation.”); *accord Ebates Inc. v. CashBag.co.za*, No. 4:18-02884-SBA, 2019  
6 WL 1095820, at \*1-2 (N.D. Cal. Jan. 14, 2019) (finding “no clear error” and adopting Magistrate  
7 Judge’s decision on *inter alia* attorneys’ fees).

8 **IV. CONCLUSION**

9 For the reasons set forth above, Plaintiffs respectfully request that this Court adopt the Fee  
10 Award Recommendation.

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1 Dated: February 11, 2020

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1                   **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

2                   Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the  
3 filing of this document has been obtained from the signatories above.

4                   */s/ Jeffrey L. Kessler*  
5                   Jeffrey L. Kessler

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